## EXHIBIT 8

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2	APPEARA: On Be	NCES: half of the Plaintiffs:				NFIDENTIAL - SUBJECT TO PROTECTIVE ORDER 4
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	CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER 37		CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER 39
09:38:45	A. They are a firm that's representing me, yes.	09:40:23 1	documents or sharing information with them?
09:38:47 2	Q. Okay. So that's your lawyer. You	09:40:25 2	A. No. We We discussed documents, but I
09:38:49 3	understand that means you have a relationship with	09:40:27 3	didn't have a formal consulting agreement.
09:38:49 4	them. You have	09:40:30 4	Q. Oh, I see. So the difference now is just
09:38:51 5	A. If you want	09:40:32 5	there's nothing on paper.
09:38;52	Q. Okay.	_	MR. BREWER: Objection,
09:38:53 7	A. If you want to make that connection, sure.	_	
	_	09:40:34 /	MR. GOSS: Object to form.
١ .	Q. So you're not like a person off the street	09:40:35	MR. BREWER: improper hypothetical.
09:38:56 9	asking for documents, you're in a collaborative	09:40:39 9	A. Yeah, I'm not sure I agree with that
09:38:59 10	relationship with these folks; right?	09:40:42 10	characterization, but there is no signed document for
09:39:02 11	MR. GOSS: Object to form.	09:40:44 11	a legal consulting agreement.
09:39:07 12	A. I'd say that's probably an accurate	09:40:47 12	<b>Q.</b> Okay. Let's jump back to where we kind of
09:39:10 13	statement.	09:40:49 13	went off onto a side road there.
09:39:11 14	Q. Right.	09:40:51 14	<b>A.</b> Okay.
09:39:11 15	They're paying you money for you to help	09:40:52 15	Q. Where we had left off was that you were not
09:39:13 16	them defend the case.	09:40:54 16	personally aware of any testing that had been done
09:39:16 17	MR. GOSS: Object to form.	09:40:56 17	with respect to the effect of the Model 750 on the
09:39:16 18	MR. BREWER: Objection, assumes facts not	09:40:58 18	operating room airflow during the development of that
09:39:18 19	in evidence.	09:41:00 19	product.
09:39:19 20	A. I would	09:41:00 20	Do you remember that?
09:39:20 21	MR. BREWER: I think it misstates Well	09:41:01 21	A. Correct.
09:39:21 22	anyway. Objection to form.	09:41:02 22	Q. Okay. And in fact not just when it comes
09:39:23 23	A. I would say that they have compensated me	09:41:04 23	down to it, not just testing, but you'll agree with me
09:39:25 24	for my time in preparation for this case.	09:41:07 24	that during the development of the Model 750, you
09:39:31 25	Q. And you're providing a consulting service to	09:41:11 25	didn't have any kind of discussions at all with
	STIREWALT & ASSOCIATES		STIREWALT & ASSOCIATES
	1-800-553-1953 info@stirewalt.com		1-800-553-1953 info@stirewalt.com
	. 555 555 1566 1116@5610441.55111	l l	1-000-000-1900 info@stifewalt.com
	CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER		CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER
09:39:32 1	CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER	09:41:14 1	CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER
09:39:32 <b>1</b> 09:39:34 <b>2</b>	CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER 38	09:41:14 <b>1</b> 09:41:16 <b>2</b>	CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER 40
	CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER 38 them.		CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER 40 respect to whether it would have an effect on the
09:39:34 2	CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER 38 them. MR. GOSS: Object to form.	09:41:16 2	CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER 40 respect to whether it would have an effect on the operating room airflow.
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09:39:34 2 09:39:35 3 09:39:36 4 09:39:36 5 09:39:38 6 09:39:42 7 09:39:45 8	CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER  38  them.  MR. GOSS: Object to form.  MR. BREWER: Objection, assumes facts not in evidence.  A. Yeah, I don't know if I'd call it a consulting service, but I have met with them and went through documents and answered questions related to the timing and development of the 750.	09:41:16 2 09:41:17 3 09:41:20 4 09:41:23 5 09:41:26 6 09:41:31 7 09:41:33 8	CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER 40 respect to whether it would have an effect on the operating room airflow. MR. GOSS: Object to form. A. I don't personally recall any discussions that I had with anyone related to that to the impact it would have on the airflow in the OR. Q. And that means you, as project lead, in discussions with your engineers; correct? A. Engineers and other team members. But I
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09:39:34 2 09:39:35 3 09:39:36 4 09:39:36 5 09:39:38 6 09:39:42 7 09:39:45 8 09:39:47 9 09:39:51 11 09:39:53 12 09:39:54 13 09:39:56 14 09:39:56 15 09:39:57 16 09:40:01 17 09:40:03 18 09:40:06 19 09:40:06 20 09:40:09 21 09:40:12 22 09:40:14 23 09:40:18 24	them.  MR. GOSS: Object to form.  MR. BREWER: Objection, assumes facts not in evidence.  A. Yeah, I don't know if I'd call it a consulting service, but I have met with them and went through documents and answered questions related to the timing and development of the 750.  Q. Right. That's the nature of your consulting, right, that you're reviewing technical documents and sharing information with them?  MR. BREWER: Object to the form. I think it misstates the testimony.  Q. Right?  A. I don't have any consulting agreement, and so I'm not sure if "consulting" is the proper term.  Q. Any more; right? You've had a consulting agreement for this litigation, for these Bair Hugger cases.  A. In the previous two depositions, yes.  Q. Okay. So you've been doing consulting, you that consulting has included reviewing technical documents and sharing information with the defense.  A. In previous depositions, yes.	09:41:16 2 09:41:17 3 09:41:20 4 09:41:23 5 09:41:26 6 09:41:31 7 09:41:33 8 09:41:38 9 09:41:40 10 09:41:42 11 09:41:41 12 09:41:41 13 09:41:41 14 09:41:49 15 09:41:51 16 09:41:51 17 09:41:51 18 09:41:51 18 09:41:51 19 09:41:59 20 09:42:03 21 09:42:04 22 09:42:05 23 09:42:07 24	respect to whether it would have an effect on the operating room airflow.  MR. GOSS: Object to form.  A. I don't personally recall any discussions that I had with anyone related to that to the impact it would have on the airflow in the OR.  Q. And that means you, as project lead, in discussions with your engineers; correct?  A. Engineers and other team members. But I guess the point I'm trying to make is there may have been discussion between other individual team members that I wasn't present or participating in, so I can't exclude that.  Q. Sure.  And this would include you've never had any of kind of those discussions with anybody in the clinical department; correct?  A. I do not recall any discussions, no.  Q. You've never had those kind of discussions with anybody in upper management; correct?  A. Correct. I don't recall any discussions like that.  Q. Okay. Now flow of air in the operating room, airborne contamination, these are important
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	CASE 0.13-IIId-02000-3INE-D13 D		<u> </u>
	CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER 41		CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER 43
09:42:15 1	A. I'm not a surgeon and I'm not an OR expert,	09:44:17 1	validated the device.
09:42:17 2	but yes, I would agree with that.	09:44:18 2	MR. GOSS: Object to form.
09:42:19 3	Q. Well you are the project lead of a medical	09:44:19 3	Q. In validating the 750, what testing did you
09:42:21 4	device that's going to be placed in an operating room	09:44:23 4	rely on?
09:42:23 5	with thousands and thousands of patients. You think	09:44:24 5	A. As far as validating the device?
09:42:26 6	it's important that you should understand, right, that	09:44:24 6	Q. As far as this, prevention of airborne
09:42:28 7	airborne contamination is an issue to be taken	_	contamination. What testing did you rely on to assure
09:42:30 8	seriously. Am I Do you agree with that?		us that the unit is safe?
09:42:33 9	MR. GOSS: Object to form.		MR. GOSS: Object to form.
09:42:34 10	A. I would think that it's important that the	09:44:32 9	MR. BREWER: Objection, assumes facts.
09:42:36 11	company understand that.	09:44:33 10	A. I would say
09:42:38 12	<b>Q.</b> But not you as the project lead.	09:44:36 11	•
09:42:43 13	A. Not necessarily explicitly me, no.	09:44:45 13	I'm not aware of any verification testing
09:42:48 14	Q. Well again, you're the one who has to make	09:44:45 13	that was done internal to the company to verify this, but as far as clinical tests or studies that might
09:42:50 15	sure the product is safe and that the right		=
09:42:50 15	verification testing has been done in doing that.	09:44:53 15	have been done after launch of the product, I'm not
09:42:51 17	<b>A.</b> Making sure that the the verification	09:44:57 10	aware of any of that having been done.
09:42:58 18	testing that was identified is done properly.		Q. Sure. Well let's stick with the
09:42:58 10	<b>Q.</b> Okay. It seems to me, then, that the main	09:45:02 18	development, because as I remember you telling me, if
09:43:07 20	job of the project lead is basically to just check	09:45:05 19	something changes that could impact the safety assurances made in the federal government filings,
09:43:09 21	that other people did their job?	09:45:10 21	that needs to be validated and verified.
09:43:14 22	<b>A.</b> I think that's an oversimplification, but	09:45:10 21	Remember telling me that?
09:43:16 23	you're basically the person that's orchestrating the	09:45:16 23	MR. GOSS: Object to form.
09:43:19 24	project and making sure that all the tasks that are	09:45:21 24	A. I don't know what the filing for the 750
09:43:21 25	identified in the product development system are done	09:45:24 25	said. I a
	STIREWALT & ASSOCIATES		STIREWALT & ASSOCIATES
	1-800-553-1953 info@stirewalt.com		1-800-553-1953 info@stirewalt.com
	CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER		CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER
	42		44
		1	44
09:43:25 1	satisfactorily.	09:45:25 1	<b>Q.</b> Sure. Let me just back you up.
09:43:25 <b>1</b> 09:43:27 <b>2</b>		09:45:25 <b>1</b> 09:45:27 <b>2</b>	
١ .	satisfactorily.	1	Q. Sure. Let me just back you up.
09:43:27 2	satisfactorily.  Q. Now when we talk about flow of air in the operating room, airborne contamination, A. Umm-hmm.	09:45:27 2	<ul><li>Q. Sure. Let me just back you up.</li><li>A. Okay.</li></ul>
09:43:27 <b>2</b> 09:43:29 <b>3</b>	Q. Now when we talk about flow of air in the operating room, airborne contamination,	09:45:27 <b>2</b> 09:45:28 <b>3</b>	<ul><li>Q. Sure. Let me just back you up.</li><li>A. Okay.</li><li>Q. All I asked you is do you remember telling</li></ul>
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	CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER 205		CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER 207
14:03:27 1	You can now acknowledge that that change	14:05:34 1	MR. BANKSTON: I'll allow it,
14:03:29 2	that you made in airflow may be a cause of the	14:05:35 2	MR. BREWER: Objection, foundation.
14:03:32 3	increased particulate counts being observed in	14:05:37 3	A. I'm sorry. Can you either rephrase it or
14:03:34 4	studies.		repeat it based on their objections?
14:03:35 5	MR. GOSS: Object to form.	_	Q. Yeah.
	MR. BREWER: Objection, foundation.		•
_	_	_	I've been hoping for a long time to find out
		14:05:45 7	who that person is. You know what I mean when I say
	background in those studies or the testing that was	14:05:47	"who that person is."
14:03:43 9	done and how they did it, and so I think any opinion I	14:05:49 9	A. Yep.
14:03:47 10	would interject is not of great value.	14:05:49 10	Q. Is there anything you can tell that tells me
14:03:55 12	Q. If you had to do it over again, if we could	14:05:51 11	who the person is who should have put that information
14:03:55 12	turn back the hands of time and go back to developing	14:05:53 12	on the list or should have come up with the things
	the 750 again, you'd want to make sure these tests	14:05:55 13	that needed to be tested on the Bair Hugger?
14:04:00 14	were done; wouldn't you?	14:05:58 14	A. I'm not sure who that individual would be,
14:04:04 15	A. A lot of things are obvious in hindsight,	14:06:01 15	and once again, it's a you know, it's a team
14:04:07 16	but given where we're sitting today, yes, it probably	14:06:04 16	effort, every department is represented. As part of
14:04:10 17	would have been prudent to do them. But they were not	14:06:07 17	the effort we identified whatever testing needed to be
14:04:14 18	on my radar to do, so.	14:06:10 18	done to verify and validate the device, and we did
	Q. As the person who was responsible for the	14:06:12 19	that,
14:04:18 20	safety and to make sure all the val verification testing had been done, that hadn't	14:06:13 20	Now whether you say it's, you know,
14:04:20 21	A. Once again	14:06:15 <b>21</b> 14:06:18 <b>22</b>	regulatory because they knew what was filed with the
14:04:21 22	Q. I'm sorry. I gotta finish my question	14:06:18 22	FDA or, you know, clinical because of the applications. I'm not equipped to say it was one
14:04:25 24	before. She can only take down one of us at a time.	14:06:24 24	person.
14:04:27 25	As the person who was being responsible for	14:06:28 25	Q. Sometime after you left 3M someone contacted
	STIREWALT & ASSOCIATES	14.00,20	STIREWALT & ASSOCIATES
	1-800-553-1953 info@stirewalt.com		1-800-553-1953 info@stirewalt.com
	CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER		
	CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER 206		CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER 208
14:04:29 1		14:06:32 1	CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER
14:04:29 <b>1</b> 14:04:31 <b>2</b>	206	14:06:32 <b>1</b> 14:06:36 <b>2</b>	CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER 208
1	206 the safety and verification testing, you could only	_	CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER 208 you to let you know about the existence of a lawsuit
14:04:31 2	206 the safety and verification testing, you could only verify what had been put on your list to verify;	14:06:36 2	CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER 208 you to let you know about the existence of a lawsuit involving the Bair Hugger; right?
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14:04:31 2 14:04:34 3 14:04:34 4 14:04:35 5 14:04:37 6 14:04:39 7 14:04:42 8 14:04:42 9 14:04:45 10 14:04:50 11 14:04:50 12 14:05:05 14 14:05:07 15 14:05:12 17 14:05:14 18 14:05:17 19 14:05:19 20 14:05:23 21	the safety and verification testing, you could only verify what had been put on your list to verify; correct?  A. Yes. I'm sorry.  I would say that was accurate. It was my responsibility to make sure that all the verification testing that was identified by the team was executed satisfactorily.  Q. And if that safety issue wasn't put on your radar by somebody, it wasn't going to get checked.  A. I would say that's likely, yes.  Q. Who should have put it on the list?  A. That would just be conjecture on my part.  I'm not sure I could say who would be responsible for that.  Q. I've sat in this room many hours and I've talked to many of your colleagues, and I have been looking for a long time for the person who can tell me who's responsible for getting all of the testing done on the 750, making sure that the right things were tested. And if there is anything you can tell me today about who that person might have been, is there any information that you can have that can lead me to	14:06:36	you to let you know about the existence of a lawsuit involving the Bair Hugger; right?  A. I don't know about the timing of that. I don't know if I knew about the existence of the lawsuit before I left or not.  Q. Okay. I see what you're saying. Okay.  But somewhere in the recent timeframe you were informed that there was a lawsuit with the Bair Hugger.  A. Yes.  Q. Who was that who told you; do you remember?  A. I don't recall. I think it was somebody internal to 3M and not out of the blue, but I can't say definitively who told me.  Q. Okay. And at that time you negotiated an agreement with a law firm in which they would pay to act you as their consultant.  A. I had an LCA with  So when I left the company 3M made the law firm available to me as part of the litigation arrangement.  Q. No. What I'm asking is you negotiated an agreement with that law firm in which that law firm
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